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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,513	02/12/2002	Kevin Packingham	1756	6715
28005	7590	09/07/2005	EXAMINER CHOW, MING	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			ART UNIT 2645	PAPER NUMBER

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/074,513	PACKINGHAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ming Chow	2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-14, drawn to a method of message format conversion for radio telephone, classified in class 455, subclass 414.4.
  - II. Claims 15-27, drawn to a system for distributed message access, classified in class 707, subclass 10.
2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I does not require the particulars of the invention II. The subcombination has separate utility such as a first presentation system and a second presentation system.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
3. During a telephone conversation with Larry Aaronson on 8-23-05 a provisional election was made without traverse to prosecute the invention of 10/074513, claims 1-14. Affirmation of

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this election must be made by applicant in replying to this Office Action. Claims 15-27 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is advised that the reply to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 (and other claims with the same rejected limitation) is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “formatted for a first presentation mode” (line 3, 9) is not clearly defined. It is unclear what is referred by the claimed “formatted”. Is it “a state.....formatted.....”, or “the session.....formatted.....”, or content, formatted.....”, or others?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-12, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmad et al (US: 6880171).

For claim 1, Ahmad et al teach on column 2 line 66 to column 3 line 19, enables a session of obtaining information (claimed “content”) from a specified group of sources (reads on claimed “server”) and displaying the information on an electronic device (claimed “client device”).

Ahmad et al teach on column 6 line 42-44, the first portion of information is an audiovisual data (claimed “a state of session” and “formatted for a first presentation mode”). The content is associated with audiovisual state.

Ahmad et al teach on column 22 line 64 to column 23 line 31, Fig. 3, partitioning the primary and secondary information of different format (claimed “storing a state record.....defining the state of the session”).

Ahmad et al teach on column 6 line 33-35, an interface that enables termination of the current segment display and beginning of a new segment display (claimed “receiving a mode-switching signal from the client device” and “in response to the mode-switching signal, continuing the session in the state by delivering the content, formatted for a second presentation mode, to the client device”).

Regarding claims 2, 5, the “audiovisual” data reads on the claimed “voice-based mode”.

Regarding claims 3, 4, Ahmad et al teach on column 3 line 7, text display (claimed “a screen-based mode”).

Regarding claims 6, 7, 11, Ahmad et al teach on column 3 line 16-17, TV News Programs. The original format of the news programs on the server is in digital (0s and 1s). The format must be transcoded in radio form for TV broadcasting.

Ahmad et al teach on column 6 line 2-4, 2-way wireless communication (claimed “an air interface”).

Regarding claim 8, Ahmad et al teach on column 4 line 32-35, a program map for navigation.

Regarding claim 9, Ahmad et al teach on column 20 line 62 to column 21 line 7, the data can be acquired via URL (claimed “URI”).

Regarding claim 10, Ahmad et al teach on item 104 Fig. 1, data storage device (claimed “cache”). The acquired data are stored in the data storage device before it’s transmitted to the client device.

Regarding claim 12, Ahmad et al teach on column 6 line 33-35, an interface that enables termination of the current segment display and beginning of a new segment display (claimed “receiving a mode-switching signal from the client device”). The “mode-switch signal” is the claimed “service request”. The “service request” identifies the second presentation mode (i.e., text display). Ahmad et al teach on column 20 line 62 to column 21 line 7, the data can be acquired via an URL (claimed “URI”). When the text is acquired via an URL, it is inherent the client device must be identified (by IP address) for receiving the content of the specified URL.

Regarding claim 14, Ahmad et al teach on Fig. 3, identifying the break and boundary (claimed “locating the state record”).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad et al as applied to claim 12 above, and in view of Shrader (US: 6851060).

Ahmad et al failed to teach “determining whether the client device is authorized to receive content”. However, Shrader teaches on column 2 line 22 to column 3 line 9, authentication for accessing data via an URL.

It would have been obvious to one skilled at the time the invention was made to modify Ahmad et al to have the “determining whether the client device is authorized to receive content” as taught by Shrader such that the modified system of Ahmad et al would be able to support the system users conveniences of securing web data.

***Conclusion***



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8. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- US: 6370543.

9. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

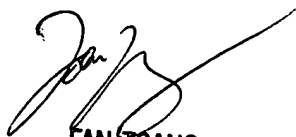
**Washington, D.C. 20231**

**Or faxed to Central FAX Number 571-273-8300.**

Patent Examiner

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Ming Chow



**FAN TSANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**